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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/000,248	10/29/2001	Michael L. Bullock	10011100-1	9085

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HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER

MAPLES, JOHN S

ART UNIT PAPER NUMBER

1745

DATE MAILED: 03/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/000,248

Applicant(s)

BULLOCK ET AL.

Examiner

John S. Maples

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-43 ~~is~~ are pending in the application.
- 4a) Of the above claim(s) 18-29 ~~is~~ are withdrawn from consideration.
- 5) ☒ Claim(s) 30-43 ~~is~~ are allowed.
- 6) ☒ Claim(s) 1,2,8 and 10-16 ~~is~~ are rejected.
- 7) ☒ Claim(s) 3-7,9 and 17 ~~is~~ are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: Reasons for Allowance.

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***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-17, 30-43, drawn to a fuel cell apparatus, classified in class 429, subclass 22.
  - II. Claims 18-29, drawn to a replaceable fuel cartridge, classified in class 48, subclass 118.5.
2. The inventions are distinct, each from the other because of the following reasons: the fuel cartridge of Group II includes a cartridge housing, which element is not part of the Group I fuel cell apparatus. In addition, Group I comprises a fuel cell, which device is not part of the Group II cartridge.
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their different classification and recognized divergent subject matter, restriction for examination purposes as indicated is proper.
4. During a telephone conversation with Tim Meyers on August 14, 2003 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-17 and 30-43. Affirmation of this election must be made by applicant in replying to this Office action. Claims 18-29 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.
5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the

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application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 2, 8 and 10-16 are rejected under 35 U.S.C. 102(e) as being anticipated by either Barton et al.-US 2003/0022041 (Barton) or Wells et al.-US 2003/0022042 (Wells).

See paragraphs 0031-0054 in Barton and paragraphs 006-0072 and Figures 1-4.

Reference is made to paragraphs 0036-0051 in Wells along with Figures 1-4 and paragraphs 0062-0069.

In both of these references, the processor is microcontroller 40 as seen in Figure 1 and in paragraph 0042 while the fuel reservoir is fuel tank 52 as seen in Figure 3. The information storage device is element 42 and the information storage device link is the connection to the microcontroller 40 while the processor link is the connection from the microcontroller to the storage device 42. Paragraphs 006-0072 set forth the microcontroller 40 monitoring various states of the fuel cell with the storage device 42 storing data of the same as claims 10-16 recite.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gamo et al. show a fuel cell having a releasable fuel connection while Ogino discloses a fuel cell including a CPU and other electronics.

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9. The following is an examiner's statement of reasons for allowance: none of the prior art of record teach a replaceable fuel cell device having a processor, a processor link and at least one host power contact comprising a fuel reservoir. The device further includes a fuel cell, a fuel cell power contact that operable connects with the host power contact, an information storage device and an information storage device link wherein the device link is connected to the storage device and the device link connects the storage device to the processor link when the fuel cell is received by the host device.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John S. Maples whose telephone number is 571-272-1287. The examiner can normally be reached on Monday-Thursday from 6:15-3:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John S. Maples  
Primary Examiner  
Art Unit 1745

JSM/3-22-2004